IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 13293 of 2005

Between:

K.V.K.Sharma S/o.Late K.V.N.Sharma,
of APSRTC, Falaknuma Depot., Engine Bowli, Hyderabad, A.P.
R/o.28/230 Farooqnagar, Shadnagar, Mahaboobnagar District.

..... PETITIONER

AND

The Divisional Manager, APSRTC, Charminar Division, Koti-terminous, Koti, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or directions more particularly one in the nature of writ of Mandamus declaring the action taken by the respondent herein, who is the appellate authority to the charminar Division of APSRTC and not the disciplinary authority, further the respondent was the chief guest to the function celebrated on the 40 years anniversary of the formation of Falaknuma Depot by collecting more than Rs.40,000 (Rupees forty thousands) forcibly from the depot employees from their stitching charges arrears directly by the ADC of Falaknuma Depot, hence taking action by the appellate authority against the president of APSRTC Employees union of Falaknuma Depot, who released press statement not as an employee or worker, hence the suspension order and charge sheet issued under regulation 9 of APSRTC (Conduct) Regulation 1963 is as illegal, unjust, contrary to law and violation of principles of natural justice, by suspending the suspension order No.01/114(1)/2005 DVM (CR) dt.01-06-2005 issued by the appellate authority.

Counsel for the Petitioner:MR.MOHD.GHOUSUDDIN

Counsel for the Respondent : MR.V.T.M.PRASAD

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the order of suspension passed by the respondent, who is the Divisional Manager and the appellate authority.

It is the case of the petitioner that the Depot Manager of Falaknuma, has collected huge amounts from all the employees for celebrating the event of 40 years of establishment of the depot at Falaknuma. The petitioner got published the same by participating in the press. Therefore, the respondent initiated disciplinary proceedings against the petitioner as making such allegations by giving before the press is a contravention of the APSRTC Employees (Conduct) Regulations, 1963 and amounts to serious misconduct. Accordingly, the order of suspension was passed.

The petitioner contends that the respondent is the appellate authority but not the disciplinary authority and therefore, he has no jurisdiction to pass the impugned order as per the regulations.

The learned Standing Counsel appearing for the respondent contended that when the petitioner had made specific allegation of collection of funds for celebration of 40 years of establishment, by the Depot Manager, Faluknama, from all the staff, the Depot Manager, who is the disciplinary authority, was not in a position to take action against the petitioner. Therefore, the Divisional Manager, who is the immediate superior officer got the matter enquired into and basing on the preliminary enquiry report, passed the impugned order and that as the said order is only a suspension pending enquiry, this Court may not interfere with the same.

Heard both sides.

As per the material on record, the impugned order is only a suspension pending enquiry. Therefore, this Court declines to interfere with the said order.

However, as serious allegations have been made against the Depot Manager

of having collected huge amounts, it is a matter to be enquired into and considered by the officials concerned. In fact, it is the case of the petitioner that these funds were collected for celebration of 40 years of establishment of Falaknuma Depot, where the Divisional Manager and the Regional Managers are the invitees to participate in the celebration. Under the above circumstances, it would be proper for the higher authorities to look into the matter.

Under the above circumstances, the Managing Director and Vice Chairman of the Corporation is directed to look into the allegations made by the petitioner as to the collection of funds by the Depot Manager, Falaknuma, and take appropriate action, if the allegations are found to be true and correct and if necessary, by getting the matter enquired into.

The writ petition is accordingly disposed of. No costs.

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(S.ANANDA REDDY, J)

22nd JUNE, 2005.

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To

1. The Divisional Manager, APSRTC, Charminar Division, Koti-terminous, Koti, Hyderabad.

2. Two CD copies.